REMARKS

Applicant offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 61-92 are pending. Claims 1-60 and 93-108 were previously cancelled. Applicant has cancelled claims 65 and 71 herein. Accordingly, claims 61-64, 66-70, and 72-92 remain pending.

Discussion

In response to the Patent Office's remarks in the Advisory Action mailed October 6, 2008 (hereinafter the "AA") asserting that certain of Applicant's claim limitations are "statement[s] of intended use" (AA, pp. 2 and 3), Applicant has amended independent claims 61, 78, and 89 as appropriate to clarify that such limitations are intended to be claim limitations. Specifically, Applicant has amended claim 61 to require "selecting a matching user profile from the plurality of user profiles" in lieu of "to select a matching user profile from the plurality of user profiles." Applicant has similarly amended claims 78 and 89 to clarify the related limitation in such claims. Applicant has also amended claim 61 to require "effecting delivery of the playlist to the media player device" in lieu of "for delivery to the media player device." Applicant has also amended claim 78 to require that the control system of the media player device further be adapted to "play at a least a portion of a song identified on the playlist" to clarify the content of a playlist according to Applicant's claimed invention.

U.S. Patent No. 6,041,311 to Chislenko et al. (hereinafter "Chislenko") discloses an item recommendation system wherein users of the system directly or indirectly rate various items, and those ratings are stored in a user profile associated with a user (Chislenko, col. 4, ll. 1-20). Similarity factors are calculated for each user with respect to all other users of the system based on the information in the user profiles (*Id.* at col. 5, ll. 29-37). Users with a high degree of correlation to a particular user are designated 'neighboring users' of the particular user (*Id.* at col. 7, l. 66 – col. 8, l. 18). Items are then recommended by the system to the particular user based on the ratings of the neighboring users (*Id.* at col. 9, ll. 39-48). In essence, ratings of a group of neighboring users who have similar tastes are analyzed to provide recommendations to a user in or associated with the group of neighboring users. Nowhere does Chislenko teach or suggest

providing a <u>playlist of any of the neighboring users to the user.</u> This is because the system of Chislenko recommends items <u>that are available through the system,</u> not <u>items that are available through the users of the system.</u>

In the AA, the Patent Office asserts that Chislenko "teaches selection of a playlist of a matching user associated with the matching user profile" (AA, pg. 2). The Patent Office relies upon col. 6, ll. 11-13 and col. 11, ll. 14-17 of Chislenko for support of this assertion. Col. 6, ll. 11-13 of Chislenko indicates that similarity factors can comprise any quantity that expresses a degree of correlation between two user profiles. <u>The cited portion of Chislenko fails to teach or suggest selecting a particular user profile as a matching user profile, as required by Applicant's claimed invention.</u> Col. 11, ll. 14-17 of Chislenko disclose that if two users have a high correlation of items in the same 'group,' then items from the 'group' can be recommended to the users. The 'group' of items relates to <u>items available from the system</u> described in col. 10, ll. 32-42 of Chislenko. Thus, in contrast to Applicant's claimed invention, which requires effecting selection of <u>a playlist of a matching user</u> associated with the matching user profile, Chislenko teaches recommending items from a group of items that are available for sale by the system. Nowhere does Chislenko teach or suggest selecting any of the plurality of user profiles as a matching user profile. <u>This is because the recommendations sent to the particular user in Chislenko do not come from the neighboring users.</u> Rather, the recommendations are sent for a set of items known by the system and that are rated similarly by the neighboring users (Chislenko, col. 9, l. 62 – col. 10, l. 6). Thus, Applicant submits that Chislenko cannot anticipate Applicant's claimed invention as recited in claims 61, 78, and 89.

U.S. Patent Application Publication No. 2003/0014759 A1 to Van Stam (hereinafter "Van Stam") discloses a plurality of client devices, such as video recording units, that each contain one or more lists that are "indicative of a user's preferences" (Van Stam, paras. 14-18). The client devices connect to a server and are grouped based on time of connection (*Id.* at para. 20). The server provides the client devices the network addresses of the other client devices in the group, facilitating client-to-client communication (*Ibid.*). Client A sends client B a list of items (*Id.* at para. 24). Client B compares the list to client B's list of items (*Id.* at para. 25). If the list from client A is similar to the list from client B, client B can inform client A that an interest exists, and client A may seek a larger list of items from client B (*Id.* at paras. 28-30). Client A can use the larger list to make recommendations to a user of client A (*Ibid.*).

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The Patent Office asserts that paragraph 1 of Van Stam discloses "comparing each of a plurality of a user profile [sic] with a target user profile of a first user associated with the media player device" (AA, pg. 3). However, the cited text of Van Stam merely discloses that it is known in the prior art to compare profiles of users. The cited text does not disclose <u>selecting a matching user profile</u> from a plurality of user profiles, or effecting delivery of a playlist of a matching user to a media player device. The Patent Office further asserts that paragraph 34 of Van Stam discloses "effecting delivery of a playlist of a matching user associated with the matching user profile from a server storing the playlist to the media player device" (AA, pg. 3). However, the cited portion of Van Stam discloses that a first computer having a first list of items can receive a second list of items from a second computer, compare the second list to the first list, and send back to the second computer those items on the second list that match items on the first list. Thus, the cited portion of Van Stam merely discloses that a computer can determine which items on a first list are also on a second list. Nowhere does Van Stam teach or suggest effecting delivery of a playlist of a matching user associated with the matching user profile from a server storing the playlist to the media player device, as required by Applicant's claim 78.

For at least the foregoing reasons, Applicant submits that neither Chislenko nor Van Stam anticipate Applicant's claims, and that Applicant's claims are therefore in condition for allowance.

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Respectfully submitted,

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